

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

GREGORY SCOTT AND MICHELLE
SCOTT, INDIVIDUALLY AND ON
BEHALF OF THE MINOR J.S. AS THE
PARENTS AND TUTORS OF J.S.

CIVIL ACTION NO. 16-0376

VERSUS

JUDGE S. MAURICE HICKS, JR.

RUSTON LOUISIANA HOSPITAL
COMPANY, LLC

MAGISTRATE JUDGE HAYES

ORDER

In accordance with the foregoing Memorandum Ruling,

For the reasons assigned in the Report and Recommendations (Record Document 27), having thoroughly reviewed the record, including the written objections filed, and concurring with the findings of the Magistrate Judge under the applicable law,

IT IS ORDERED that the Court hereby **ADOPTS** the recommendations of the Magistrate Judge.

IT IS FURTHER ORDERED that Defendants Ruston Louisiana Hospital Company, LLC d/b/a Northern Louisiana Medical Center (“NLMC”) and Brady DuBois’ (“DuBois”) (collectively “Defendants”) Rule 12(b)(6) Motion to Dismiss (Record Document 10) is **GRANTED IN PART** and **DENIED IN PART**. Defendants’ Motion with respect to Plaintiffs Gregory Scott and Michelle Scott’s (collectively “Plaintiffs”) claims under the Emergency Medical Treatment and Labor Act (EMTALA), 42 U.S.C. § 1395dd, *et seq.*, against NLMC is **DENIED**. Plaintiffs’ other claims are disposed of in the following manner:

- 1) Plaintiffs’ state law intentional tort claims are **DISMISSED WITH PREJUDICE**;

- 2) Plaintiffs' EMTALA claims against DuBois are **DISMISSED WITH PREJUDICE**;
- 3) Plaintiffs' claim for damages in excess of the Louisiana Medical Malpractice Act's damages caps, La. R.S. 40: 1231.2, on their EMTALA claims against NLMC are **DISMISSED WITH PREJUDICE**;
- 4) Plaintiffs' state law claims under the Louisiana Anti-Dumping Statute, La. R.S. § 40:2113.4-6, and for negligence and malfeasance are **DISMISSED WITHOUT PREJUDICE** as premature;
- 5) Plaintiffs' EMTALA claims against NLMC are hereby **STAYED** pending a decision by the medical review panel in Plaintiffs' related state medical malpractice action in the interest of judicial economy.

THUS DONE AND SIGNED at Shreveport, Louisiana, on this the 14th day of March, 2017.


S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE